

### Members representations

**Sri S. RAJAGOPAL (K.G.F.).**—Sir, in the Brief Record of the Proceedings that is supplied to us, under the heading “ Election result announcement by the Chair ” the name of Sri R. N. Laxmipathy is not put in here.

**Mr. SPEAKER**—I will have it examined.

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### MYSORE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 1964.

*Motion to consider—(Debate contd.)*

**Sri RAMAKRISHNA HEGDE** (Minister for Co-operation, Development and Panchayati Raj).—Mr. Speaker, Sir, I do not propose to reply to the various criticisms made by the hon'ble members regarding the administration of the Co-operative Department. I think these criticisms are not quite relevant to the discussion of the subjects covered by this Bill, but, nevertheless, I have to refer to one or two criticisms by some of the hon'ble members so that they may realise the proper position. Two main criticisms made by the hon'ble members were that there is growing interference by the Government in the affairs of the co-operative institutions, and secondly, there is large-scale misappropriation and misuse of funds. I do not understand how we can check and prevent altogether the misuse or misappropriation of funds by legislative action. I do not mean to say that there has not been any case of misuse of funds or irregularities or improper behaviour on the part of the people who manage the affairs of the various co-operative institutions, but the cases that have been found out are very few as compared to the magnitude of the co-operative institutions.

Regarding interference referred to by some hon'ble members, I have already assured the hon'ble members of this House on another occasion that it is accepted policy of not only the Central Government but also of this Government that there should not be any external interference in the administration of co-operative institutions. I can convince hon'ble members that this policy has been pursued consistently during the last 2 years and the practice of nomination to all sorts of co-operative institutions has been stopped and to-day except in cases where Government have invested large sums of money and thereby have become a partner in the co-operative institution nomination has been totally stopped and even in such cases nomination is made to the minimum as required under section 29, that is, 3 persons or one-third of the number of members on the Managing Committee whichever is less. Therefore, both these criticisms, in my humble opinion, are totally unwarranted particularly on this occasion.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).—ಸರ್ಕಾರದ ಅಧಿಕಾರಿಗಳನ್ನೇಕೆ ನಾಮಿನೇಟ್ ಮಾಡಬಾರದು ? ಬಾಸಗಿ ಜನರನ್ನು ನಾಮಕರಣ ಮಾಡುವುದು ಬೇಡ, ಸರ್ಕಾರದ ಹಣವನ್ನು ರಕ್ಷಣೆ ಮಾಡುವುದಕ್ಕಾಗಿ ಏಕೆ ಸರ್ಕಾರಿ ಅಧಿಕಾರಿಗಳನ್ನು ನಾಮಿನೇಟ್ ಮಾಡಬಾರದೆಂದು ನಾನು ಹೇಳಿದುದು.

Sri RAMAKRISHNA HEGDE.—Sir, thought that the hon'ble member has perhaps by this time known the policy of the Government. It seems to me he does not know and so I think I have to explain again. Even where the Government nominate, the Government nominate only officials, for example, to the District Co-operative Banks, now it is the policy of the Government to nominate the Assistant Registrar of that district and to the various apex bodies only officials have been nominated. But there are cases where, as one or two hon'ble members referred to, the first Board of Directors is entirely nominated by Government, but let me tell the hon'ble members that it is not due to the policy of the Government but because of the provision in the bye-laws of the respective co-operative societies. If the bye-laws of the co-operative institutions are framed providing that the first Board of Directors should be nominated by the Government, then we cannot but nominate. I hope that would satisfy the hon'ble members.

Now I do not want to take much time, but I would like briefly to refer to the various points on which hon'ble members have offered their comments. There has been considerable opposition particularly from the hon'ble members on the other side to the establishment of a Co-operative Tribunal. I have to confess that I have failed to understand the reasoning. Today if there disputes and appeals regarding the administration of the Co-operative Societies Act, they are to be made to the Revenue Tribunal. Hon'ble members are aware that after the enactment of the new Revenue Code, the responsibility and work of the Revenue Department has increased considerably. On the other hand, the number of cases that were formerly referred to the Revenue Appellate Tribunal will also increase because the Appellate powers of the Government are proposed to be transferred to the Tribunal. Therefore, a tribunal consisting of three members is absolutely necessary in the interest of impartial and expeditious administration of justice. Then, some one or two Hon'ble Members, it is really unfortunate, thought it fit to observe that there is some politics in it. I do not know Sir, what politics there could be. One of the members should be an advocate having practical experience in co-operative movement for a period of not less than 10 years. How can the Hon'ble Members presume that the person envisaged in this provision will belong to particular political party or group or community or region ?

Mr. SPEAKER.—It is their apprehension.

Sri RAMAKRISHNA HEGDE.—I may assure them that their apprehension is completely unfounded.

Sri S. SIVAPPA (Sravanabelagola).—Past experience has shown it.

**Sri RAMAKRISHNA HEGDE.**—The future may belie past experience. Then I come to clause 4 where a proviso has been added, namely, that no co-operative society shall be registered if it is likely to be economically unsound or the registration of which may have adverse effect on the development of co-operative movement. Some Members said that this would be a weapon in the hands of the co-operative Department officers. On the contrary, I would like to tell them that it is a safeguard, because unless there is some criterion on which registration of a new society can be rejected, there won't be any safeguard as to the proper registration of proper societies. For example, in a panchyat area, there is a society working and efficiently working and then because a certain group is not satisfied with the working of that society either for political reasons or otherwise, they might try to bring pressure on the local official to register another society. In that case, the registering authority can take shelter on this proviso and reject the proposition saying that the proposed society will not be economically sound. I would also give another example. For example, there is a proposal to register a co-operative sugar factory and in that particular area the total area under sugarcane cultivation is about a thousand acres. But the local people are enthusiastic and they come forward with the proposal with good intention without knowing perhaps whether the said society will be economically sound or not. Unless there is such a provision in the Act saying that such propositions which are not economically sound cannot be registered then the local official again becomes helpless. Therefore, it is provided in the interest of co-operative movement itself. Then, Sir, with regard to next clause, namely 6, there was some criticism about the period within which an application for registration should be disposed of. If a society is not registered within a period of six months, then the Registrar is required to send to the Government with reasons why the society could not be registered. Some members said that the period of six months is rather too long. Sir, in my humble opinion, it is not too long because it is not all types of societies the proposals of which go to the Registrar. We are decentralising the powers. The registration of District societies will be delegated to the district authority. If there are societies having jurisdiction over a number of districts, then it will be delegated to the Joint Registrar. It is only in the case of societies having a statewide jurisdiction or an Apex Society, the Registrar has to look into the papers. And if we provide a shorter period, then there is the danger of incomplete examination.

**Sri SIDDIAH KASIMATH (Shirhatti).**—Even then they are entitled to keep it for six months.

**Sri RAMAKRISHNA HEGDE.**—It is not necessary. Actually I can assure the Hon'ble members, so far as registration of society bye-laws of new society or amendment of existing societies' bye-laws are concerned, that will be done as expeditiously as possible. There might be some cases which may be complicated, jurisdiction may overlap and where the membership may be in conflict. We have to provide for that; only in extreme cases, there might be some delay. Even in such cases,

the Registrar cannot keep those applications with him for more than six months. Then clause 7 says that no co-operative society shall without sufficient cause refuse admission to membership to any person duly qualified there or under the provisions of the Act and its bye-laws. I cannot understand why there should have been any criticism about this provision. As I observed during my introductory speech, there are certain societies where the membership is too restricted. Even though there are a large number of people who are qualified, and who are actually in need of some benefit of the co-operative society, they are denied membership and they are denied admission to such societies. Unless we make it specific that it shall be the duty of the society to admit every member unless he is disqualified, then the co-operative movement will lose much of its meaning. Therefore, it is provided in this that no application for admission should be rejected without sufficient cause.

You can ask what the sufficient cause is. It may vary from case to case, from circumstance to circumstance. We cannot provide here an answer which will hold good for all circumstances. There was a slight change in clause 8 for which there was a lot of criticism. That is, subject to general or special orders of the Registrar, publication in the gazette.....etc." It is only a little reconstruction of the sentence because in the present construction of the sentence there is some legal doubt because it may be interpreted in a different manner. Only to remove that doubt we have reconstructed the sentence.

1-30 P.M.

Clause 9—Here about the disqualification of a defaulter as a voter. There have been contradictory views on the floor of this House. Some members supported this and some others stated that this would be a denial of fundamental right. In the interest of healthy growth of co-operative movement, I submit that this provision is absolutely necessary. Otherwise, every society will become a defaulter and it will be managed by defaulter members and there would be no guarantee as to the recovery of the money advanced. If the members of co-operative institutions themselves are defaulters, with what moral authority they have to effect recovery from the other members. Therefore, it is necessary to provide this provision.

**Sri C. J. MUCKANNAPPA (Sira).**—Does it apply to nominated members also?

**Sri RAMAKRISHNA HEGDE.**—It applies to everyone.

Then about clause 10—Amendment of section 24—There is only a small change, *i.e.*, "when an officer is nominated by virtue of his office to any co-operative institution such officer if unable to present himself at any meeting of the committee can depute a subordinate officer. This has been necessitated because in some cases where the officer who has been appointed was unable to go, it was necessary to depute his subordinate officer. This is again because of the legal necessity we have provided after consulting the legal department.



(SRI RAMAKRISHNA HEGDE)

About sub-clause (5), there has been tremendous opposition. I am prepared to reconsider that provision.

Clause 11—About the contribution towards educational funds by co-operative institutions. I am really sorry that some of the members who spoke on this point have not realised the importance of the role of co-operative union in the growth of co-operative movement. We speak so much here and outside. It should be a movement of the people and it should not only allow but should give all possible help for the growth of non-official leadership. It is therefore proposed to establish co-operative union at the district and taluk level. We are proposing to start a co-operative union even at the taluk level. Last year we have transferred all co-operative institutions to the State Co-operative Union. So, when we have transferred certain responsibilities to the State Government like the administration of the training, propaganda, publication of literature, etc., it is necessary that we should give them sufficient financial assistance. It is for that reason that compulsory contribution from such societies may be forthcoming, a provision has been made here.

Then I shall take clause regarding the land development bank. I am glad that many of the members who spoke have welcomed this change. It is the intention of the Government to route and channelise all long term credit, whether it is takavi loan or any other loan coming under the Community Development Block under Community Development programme any other department. To-day it is only a very small percentage of the requirements of the agriculturists with regard to long term finances that are made by the Land Mortgage Bank. As I said yesterday, it is mainly due to procedural defects and difficulties and the main purpose in bringing about this change is to have an expeditious disposal of the loan applications in land mortgage bank both at the central level and at the primary level. Therefore, we have provided that it is not only for the improvement of land and for the purchase of land but also for the liquidation of old debts. Perhaps the member who spoke yesterday made an observation that because most of the agriculturists are still indebted the loan advanced by the Bank must be only for the redemption of old debts. I beg to differ from the Hon'ble Member. As I said, many of the agriculturists are much better off than what they were about 10, 15 or 20 years back. That does not mean that all of them are not indebted at all. That is why we have definitely laid down here that for these four or five purposes the loan can be given. Even according to the existing rules 60 per cent of the loan can be utilised for the discharge of old debts and 40 per cent for developmental work. This is absolutely necessary because every year there is want of rains, scarcity conditions are there and there is great demand for pump-sets, irrigation wells, etc.

Then, the Hon'ble Member Sri M. R. Patil spoke at considerable length on the change made in the rule-making power. In the existing

Act, the provision is that Government may make rules regarding qualifications and conditions of service of the employees of co-operative societies. Now, there is only one slight change in the wording. Instead of 'qualification' we have put in 'recruitment and conditions'. This is necessary for two reasons. One is that Government has appointed last year a Pay Committee to go into the question of pay structure, service conditions, security of service and other important matters that are of interest to the thousands of co-operative employees in the State and unless there is some sort of system, regulation or method in the recruitment, pay scale, etc., the co-operative employees cannot show efficiency and cannot work with satisfaction. Therefore, we have appointed that committee and the committee is expected to give its report within two or three months. In case the recommendation is that there should be some sort of recruitment, in order to enable Government to implement it that this change has been made here. As observed by Mr. Madiha Gowda yesterday, there are cases where the appointments of the employees are made by the concerned co-operative institutions without any reference to the qualification. In such cases, it is very difficult to take action because for all practical purposes they are the employees of the concerned co-operative institutions and any sort of interference will not be countenanced by the co-operative institutions. Therefore, it is necessary to lay down certain basic principles regarding recruitment and conditions of service. Otherwise, there will be large-scale dissatisfaction and also indiscipline. Therefore, this provision has been made.

I think I have covered almost all the points made out by the Hon'ble Members. I am grateful to them for the various suggestions they have made. Some of them are very constructive and I am prepared to reconsider regarding one or two points.

**Sri H. R. KESHAVA MURTHY (Gandasi).**—I request the Hon'ble Minister to refer this Bill to a Select Committee.

**ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.**—ರ‍್ಯಾಂಡ್ ಮಾಟರ್ನಿಂಗ್ ಬ್ಯಾಂಕ್ ಎಂದು ಇದ್ದುದನ್ನು ರ‍್ಯಾಂಡ್ ಡೆವಲಪ್‌ಮೆಂಟ್ ಬ್ಯಾಂಕ್ ಎಂದು ಮಾಡಿದ ಮಾತ್ಸರ್ಯ ಉದ್ದೇಶ ಸಾಧಿಸಿದಂತಾಗುವುದಿಲ್ಲ. ಅದು ಇರುವುದೇ ಬೇರೆ ಉದ್ದೇಶಕ್ಕಾಗಿ ಎಂದು ಹೇಳಬಹುದು. ಉದಾಹರಣೆಗೆ 2 ಕೋಟಿ ಎಕರೆ ಭೂಮಿ ಇದೆ. ಎಕರೆಗೆ ಒಂದು ಸಾವಿರ ರೂಪಾಯಿ ಕೊಟ್ಟರೆ, ಎರಡು ಸಾವಿರ ಕೋಟಿ ರೂಪಾಯಿ ಕೊಡಬೇಕಾಗುತ್ತದೆ; ಆ ಹಣವನ್ನು ತೆರಬೇಕಾಗುತ್ತದೆ ರ‍್ಯಾಂಡ್ ಇನ್‌ಫ್ರಾಸ್ಟ್ರಕ್ಚರ್ ಬ್ಯಾಂಕ್ ಆಗಿ. ಅದಕ್ಕೆ ಈ ಕಾಯಿದೆ ಮೂಲಕ ಮಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಿದೆಯೇ ಎನ್ನುವುದು ಒಂದನೆಯದು. ಎರಡನೆಯದಾಗಿ ಈ ಕೋ-ಆಪರೇಟಿವ್ ಇನ್‌ಸ್ಟ್ರಕ್ಚರ್‌ಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡುವವರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಒಂದು ಸಮಿತಿಯನ್ನು ನೇಮಕ ಮಾಡಿದ್ದೀರಿ. ಆ ಸಮಿತಿ ವರದಿಯನ್ನು ಕೊಟ್ಟಿದೆಯೇ? ಅವರ ಶಿಫಾರಸುಗಳು ಏನು? ಅದು ಬರುವುದಕ್ಕೆ ಮುಂಚೆಯೇ ತಾವು ಕೆಲವು ಅಭಿಪ್ರಾಯಗಳನ್ನು ಹೊಂದಿದ್ದೀರಲ್ಲ, ಅದು ಹೇಗೆ ಸರಿಹೋಗುತ್ತದೆ?

**ಶ್ರೀ ರಾಮಕೃಷ್ಣ ಹೆಗ್ಗಡೆ.**—ನಾನು ಯಾವ ಅಭಿಪ್ರಾಯವನ್ನೂ ಹೊಂದಿಲ್ಲ. ನೂತನ ಯಾವುದೇ ತರಹದ್ದು ಬರಲಿ ಅದನ್ನು ಕಾರ್ಯಗತ ಮಾಡಲಕ್ಕೆ ಸರ್ಕಾರದವರಿಗೆ ಇದರಿಂದ ಸ್ವಲ್ಪ ಅಧಿಕಾರ ಇದ್ದಹಾಗೆ ಆಗುತ್ತದೆ, ಏಕೆಂದರೆ ಒಂದೊಂದು ಸಹಕಾರ ಸಂಘದಲ್ಲೂ ಒಂದೊಂದು ತರಹದ ರೋಲ್ಸ್ ಇರುತ್ತದೆ. ಅದನ್ನೆಲ್ಲಾ ಕೂಲಂಕಷವಾಗಿ ನೋಡಿ ಮಾರ್ಕೆಟಿಂಗ್ ಸೊಸೈಟಿಗೆ ಒಂದು ತರಹ, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಬ್ಯಾಂಕಿಗೆ ಒಂದು ತರಹ ಅಥವಾ 10 ಸಾವಿರ ರೂಪಾಯಿ ನಫೆ ಮಾಡತಕ್ಕ ಸೊಸೈಟಿಗಳಿಗೆ ಒಂದು ತರಹ, 20 ಸಾವಿರ ರೂಪಾಯಿ ನಫೆ ಮಾಡತಕ್ಕ ಸೊಸೈಟಿಗಳಿಗೆ ಒಂದು ತರಹ ಈ ರೀತಿ ಮಾಡಲು ಯಾವುದಾದರೂ ಒಂದು ಬೈಸಿಸ್ ಬೇಕು, ಅದು ಅಲ್ಲವೇ ನುಮ್ಮನೆ ನೇಮಕ ಮಾಡಿಕೊಳ್ಳುವುದು ಸರಿಯಲ್ಲ ಎಂದು ಹೇಳಿದೆ ಅಷ್ಟೆ.

ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾತಿಮಠ.—ನಹಕಾರ ಸಂಘಗಳಲ್ಲಿ ನಾಮಿನೇಷನ್ ಮಾಡುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿದಿರಿ. ಈಗ ನಾಮಿನೇಷನ್ ಮಾಡುವುದಕ್ಕೆ ಕಾರಣ ಏನು? ಮತ್ತು ಮಾಡುವಾಗ ಯಾರನ್ನು ಮಾಡುತ್ತೀರಿ?

ಶ್ರೀ ರಾಮಕೃಷ್ಣ ಹೆಗ್ಗಡೆ.—ನಾಮಿನೇಷನ್ ವಿಚಾರದಲ್ಲಿ ಹೊಸದಾಗಿ ಯಾವ ಕಲಮನ್ನೂ ಕೂಡ ಇದರಲ್ಲಿ ಸೇರಿಸಿಲ್ಲ, ಈಗಿರತಕ್ಕದ್ದನ್ನೇ ಆಗಲೇ ವಿಶದವಾಗಿ ಹೇಳಿದ್ದೇನೆ. ಈಗ 3 ಜನರನ್ನು ನಾಮಿನೇಟ್ ಮಾಡುವಂತಹದು ಈಗಿರುವಂತಹ ಕಾಯಿದೆಯಲ್ಲೇ ಇದೆ. ಈಗ ಒಂದು ಪುಗರ್ ಫ್ಯಾಕ್ಟರಿಯಲ್ಲಿ ಸರ್ಕಾರದವರು ಹಣ ಕೊಟ್ಟಿರುತ್ತಾರೆ ಅವರು ತಮ್ಮ ಸಿತರಕ್ಷಣೆಯನ್ನು ಯಾವ ರೀತಿ ಮಾಡಿಕೊಳ್ಳಬೇಕು? ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಬ್ಯಾಂಕುಗಳಲ್ಲಿ ಒಂದರಿಂದ 10-20 ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ಕೊಟ್ಟಿರುತ್ತಾರೆ, ಅಲ್ಲಿ ಸರ್ಕಾರದ ಪ್ರಾತಿನಿಧ್ಯ ಇರಬೇಕೇ ಬೇಡವೇ?

Mr. SPEAKER.—The question is :

“The Mysore Co-operative Societies (Amendment) Bill, 1964, be taken into consideration.”

*The motion was adopted.*

Mr. SPEAKER.—Now, with regard to the amendments, I must appeal to the Hon'ble Members to be more positive and alert and not create an embarrassing situation. Members have sent amendments to me direct. They must give them to the Secretary so that they might be got circulated and then alone I will allow it. But, I will allow it now on one condition that this does not happen again.

Clause 2. The question is :

“That clause 2 stand part of the Bill.”

*The motion was adopted.*

Clause 2 was added to the Bill.

### CLAUSE 3

Sri GANJI VEERAPPA.—Sir, I move :

“That in clause 3 in the new section 2A, in sub-clause (4)—

(i) for the words “observe and follow the orders, instructions and directions,” the words “be subject to the superintendence, direction and control” shall be substituted :

(ii) for the proviso, the following proviso shall be substituted, namely :—

“Provided that the power vested in the State Government and the Registrar under this sub-section shall not be exercisable so as to interfere with the discretion of any authority in the exercise of any quasi-judicial function whether as original or appellate authority.”

Mr. SPEAKER.—Amendment moved :

“That in clause 3 in the new section 2A, in sub-clause (4)—

(i) for the words “observe and follow the orders, instructions and directions,” the words “be subject to the superintendence, direction and control” shall be substituted :

(ii) for the proviso, the following proviso shall be substituted, namely :—

“ Provided that the power vested in the State Government and the Registrar under this sub-section shall not be exercisable so as to interfere with the discretion of any authority in the exercise of any quasi-judicial function whether as original or appellate authority.”

Sri R. S. HEGDE (Honnavar).—Sir, I beg to move :

“That in the new section 2B after sub-section (5), the following sub-section shall be inserted, namely :—

“(6) The Tribunal may call for and examine the record of any proceeding in which an appeal lies to it, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed. If in any case, it appears to the Tribunal that any such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem just.

(7) Where an appeal is made to the Tribunal under section 105 it may, in order to prevent the ends of justice being defeated, make such interlocutory orders pending the decision of the appeal as may appear to it to be just and convenient, or such orders as may be necessary for the ends of justice, or to prevent the abuse of the process of the Tribunal:

(8) An order passed in appeal, or in revision under sub-section (6), or in review under sub-section (9), by the Tribunal, shall, be final and conclusive, and shall not be called in question in any Civil or Revenue Court.

*Explanation.*—The Tribunal hearing an appeal under this Act shall exercise all the powers conferred upon an appellate court by section 107 and Order XLI in the First Schedule of the Code of Civil Procedure, 1908.

(9) The Tribunal may, either on the application of the Registrar, or on the application of any party interested, review its own order in any case, and pass in reference thereto such orders as it thinks just :

Provided that, no such application made by the party interested shall be entertained, unless the Tribunal is satisfied that there has been the discovery of new and important matter

(SRI K. S. HEGDE)

of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when its order was made, or that there has been some mistake or error apparent on the face of the record, or for any other sufficient reason :

Provided further that, no such order shall be varied or revised, unless notice has been given to the parties interested to appear and be heard in support of such order.

(10) An application for review under the foregoing sub-section by any party, shall be made within ninety days from the date of the communication of the order of the Tribunal."

Mr. SPEAKER.—Amendment moved :

"That in the new section 2B after sub-section (5), the following sub-section shall be inserted, namely :—

"(6) The Tribunal may call for and examine the record of any proceeding in which an appeal lies to it, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed. If in any case, it appears to the Tribunal that any such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem just.

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(8) An order passed in appeal, or in revision under sub-section (6), or in review under sub-section (9), by the Tribunal, shall, be final and conclusive, and shall not be called in question in any Civil or Revenue Court.

*Explanation.*—The Tribunal hearing an appeal under this Act shall exercise all the powers conferred upon an appellate court by section 107 and Order XLI in the First Schedule of the Code of Civil Procedure, 1908.

(9) The Tribunal may, either on the application of the Registrar, or on the application of any party interested, review its own order in any case, and pass in reference thereto such orders as it thinks just :

Provided that, no such application made by the party interested shall be entertained, unless the Tribunal is satisfied that there has been the discovery of new and important matter

of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when its order was made, or that there has been some mistake or error apparent on the face of the record, or for any other sufficient reason :

Provided further that, no such order shall be varied or revised, unless notice has been given to the parties interested to appear and be heard in support of such order.

(10) An application for review under the foregoing sub-section by any party, shall be made within ninety days from the date of the communication of the order of the Tribunal."

Will the Hon'ble Minister accept these amendments ?

**Sri RAMAKRISHNA HEGDE.**—Sir, I have no objection to accept both the amendments.

**Sri SIDDIAH KASHIMATH.**—Sir, I oppose Sri Ganji Veerappa's amendment. The Registrar being the Head of the Department, Government can issue orders to the subordinate officers and the officers can act accordingly.

**Sri C. J. MUCKANNAPPA.**—Sir, I want to know the intention of Sri R. S. Hegde in moving this amendment.

**Mr. SPEAKER.**—The Hon'ble Member may explain in brief.

**Sri R. S. HEGDE.**—Sir, while defining the constitution of this Tribunal, the functional aspect of the Tribunal, is not defined in the Act. Therefore, sub-section (6) empowers for calling for papers. Unless the papers are called for, the Tribunal cannot examine anything. Sub-section (7) : In the interest of justice if any orders are to be passed it empowers the Tribunal to pass. Suppose a decree is passed in favour of the society and the decree is to be executed and property attached ; if there is no stay order by the Tribunal and if there is any likelihood of success for the other parties, he will not get the fruits of the decree. There will be multiplicity of proceedings. To prevent that, sub-section (7) is there. As far as sub-section (8) is concerned, the order of the Tribunal is final and no suit or no proceedings can be initiated in the Civil or Revenue Court. That is the power conferred on the Tribunal. Explanation to sub-section 8 (2) is the procedure to be followed by the Tribunal in deciding the appeals. This procedure is laid down in section 47 of the first Schedule of the Civil Procedure Code.

Section 9 empowers the Tribunal to review its own orders. If at the time of hearing a particular appeal there has been a mistake apparent on the face of the record, then the Tribunal can review its own order and give justice to the parties. Section 10 defines the period of limitation for bringing the appeal.

2-00 P. M.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಇದರಲ್ಲಿನೋ ಒಂದು ತರಹ ಭೂತದ ಚೇಷ್ಟೆ ಇರುವಂತಿದೆ. ಆದ್ದರಿಂದ ಇದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ.

(SRI C. J. MUCKANNAPPA)

The amendment says :

“The Tribunal may, either on the application of the Registrar, or on the application of any party interested, review its own order...”

Who is aggrieved here ? It is not the Registrar; it is the party. I am unable to understand. There is a documentary evidence to show that there are *bona fide* cases. Even in the Sales Tax Act, it is stated:

“either on the application of the Commissioner of Commercial Taxes or the party aggrieved.”

So, this is not necessary.

Sri R. S. HEGDE.—That is necessary because the Registrar is the custodian and the watch-dog of the co-operative movement itself.

Sri C. J. MUCKANNAPPA.—How can the Registrar, come into the picture ? The rest I agree. According to me, it is not clear. The proviso to the amendment says:

“ Provided that, no such application made by the party interested shall be entertained, unless the Tribunal is satisfied that there has been the discovery of new and important matter of evidence...”

Why do you bring in the Registrar here?

Mr. SPEAKER.—It is clarified stage by stage.

Sri C. J. MUCKANNAPPA.—Why should the Registrar get into the picture ?

Sri RAMAKRISHNA HEGDE.—Supposing the Registrar while executing the decree of the Tribunal discovers that there has been a point, which has materially affected and which is not noticed by the Tribunal and which has resulted in miscarriage of justice, in that case, he can refer this matter again to the Tribunal for revision.

Sri C. J. MUCKANNAPPA.—What is time that is allowed for the Registrar or the party to file his revision petition? Is it 30 days, or 60 days or how much?

Sri RAMAKRISHNA HEGDE.—It is 90 days as per the provision in the clause.

Sri C. J. MUCKANNAPPA.—Supposing at the time of execution of decree, the Registrar gets some additional information and he finds some more evidence to get his money. Is it fair to come in before the Tribunal?

Sri H. R. KESHA MURTHY.—I naturally oppose this amendment because sub-clause (4) of clause 2B itself says:

“The Appellate Tribunal shall, with the previous sanction of the State Government, make regulations consistent with the provisions of this Act and the rules made thereunder, for regulating its procedure and the disposal of its business.”

That is enough and comprehensive.

Mr. SPEAKER.—I extend the time till 30' Clock. I suppose the House agrees with me.

HON'BLE MEMBERS.—Yes, Sir.

Sri H. R. KESHAHA MURTHY.—When there is a comprehensive clause, such sort of amendments are wholly unnecessary.

Sri RAMAKRISHNA HEGDE.—Sir, there is nothing for me to reply. I accept the amendment.

Mr. SPEAKER.—The question is :

“That in Clause 3 in the new section 2A, in sub-clause (4),—

(i) for the words “observe and follow the orders, instructions and directions”, the words “be subject to the superintendence, direction and control” shall be substituted:

(ii) for the proviso, the following proviso shall be substituted, namely:—

“Provided that the power vested in the State Government and the Registrar under this sub-section shall not be exercisable so as to interfere with the discretion of any authority in the exercise of any quasi-judicial function whether as original or appellate authority.”

*The amendment was adopted.*

Mr. SPEAKER.—The question is:

“That in clause 3

In the new section 2B after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) The Tribunal may call for and examine the record of any proceeding in which an appeal lies to it, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed. If in any case, it appears to the Tribunal that any such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem just.

(7) Where an appeal is made to the Tribunal under section 105 it may, in order to prevent the ends of justice being defeated, make such interlocutory orders pending the decision of the appeal as may appear to it to be just and convenient, or such orders as may be necessary for the ends of justice. or to prevent the abuse of the process of the Tribunal.

(8) An order passed in appeal, or in revision under sub-section (6), or in review under sub-section (9), by the Tribunal, shall, be final and conclusive, and shall not be called in question in any Civil or Revenue Court.

*Explanation:* The Tribunal hearing an appeal under this Act shall exercise all the powers conferred upon an appellate



(MR. SPEAKER)

court by section 107 and Order XLI in the First Schedule of the Code of Civil Procedure, 1908.

(9) The Tribunal may, either on the application of the Registrar, or on the application of any party interested, review its own order in any case, and pass in reference thereto such orders as it thinks just :

Provided that, no such application made by the party interested shall be entertained, unless the Tribunal is satisfied that there has been the discovery of new and important matter of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when its order was made, or that there has been some mistake or error apparent on the face of the record, or for any other sufficient reason :

Provided further that, no such order shall be varied or revised, unless notice has been given to the parties interested to appear and be heard in support of such order.

(10) An application for review under the foregoing subsection by any party, shall be made within ninety days from the date of the communication of the order of the Tribunal."

*The amendment was adopted.*

MR. SPEAKER.—The question is :

"That Clause 3, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 3, as amended, was added to the Bill.

#### CLAUSE 4

MR. SPEAKER.—The question is :

"That clause 4 stand part of the Bill."

*The motion was adopted.*

Clause 4 was added to the Bill.

#### CLAUSE 5

SRI SIDDIAH KASHIMATH.—Sir, I beg to move :

"That in clause 5, the proviso to the proposed section 4 of the Principal Act shall be deleted."

MR. SPEAKER.—Amendment moved :

"That in Clause 5, the proviso to the proposed section 4 of the Principal Act shall be deleted."

ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶಿಮಠ್.—ಸ್ವಾಮಿ ಇದರಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದ್ದಾರೆ :

“Provided that no co-operative society shall be registered if it is likely to be economically unsound, or the registration of which may have an adverse effect on development of the co-operative movement.”

ಒಂದು ಸೊಸೈಟಿ ಸ್ಥಾಪನೆಯಾಗಿ ಅದು ಕೆಲಸವನ್ನು ಪ್ರಾರಂಭಿಸುವ ಮುನ್ನ ಇವರು ಯಾವ ಆಧಾರದಮೇಲೆ ಇದನ್ನು ರಿಜಿಸ್ಟ್ರೇಷನ್ ಗೆ ಅರ್ಹ ಅಥವಾ ಅನರ್ಹ ಎಂದು ತಿಳಿದುಕೊಂಡರೆಂಬುದು ತಿಳಿಯದ ವಿಚಾರ. ಇದನ್ನು ತೆಗೆದು ಹಾಕಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಹಿಂದೆ ಅದರಲ್ಲಿ ಒವರ್‌ಲ್ಯಾಪಿಂಗ್‌ದರೆ ಆಗುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿದ್ದರು. ಆದರೆ ಅಂಥಾ ಯಾವ ಒವರ್‌ಲ್ಯಾಪಿಂಗ್‌ಗೆ ಎಂಬುದನ್ನು ಅವರು ವಿಶದಮಾಡಲಿಲ್ಲ. ಅವರಿಗೆ ಬೇಕಾದ ಸೊಸೈಟಿಯಾದರೆ ಅದನ್ನು ಬೇಗ ರಿಜಿಸ್ಟ್ರೇಷನ್ ಮಾಡುತ್ತಾರೆ. ಬೇಡವಾದರೆ ನಿಧಾನ ಮಾಡುತ್ತಾರೆ. ಇದರಲ್ಲಿ ಅಂಥ ತೊಂದರೆ ಇದೆ. ಈಗ ಇರತಕ್ಕ ಮೂಲ ಆಕ್ಟಿನಲ್ಲಿರುವುದನ್ನೇ ಇಟ್ಟುಕೊಂಡರೆ ಇವರಿಗಾಗತಕ್ಕ ತೊಂದರೆಯಾದರೂ ಏನು ? ಏಕೆ ಇವರು ಕೂಸು ಹುಟ್ಟುವ ಮುನ್ನ ಕುರಾವಿ ಹೊಲಿಸುವುದಕ್ಕೆ ಹೋಗುತ್ತಾರೆ ?

Sri SIDDIAH KASHIMATH.—Before registering, how can we say “likely to be economically unsound.”

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಇದನ್ನು ಇವರು ಯಾವಾಗ ನಿರ್ಧರಮಾಡುವುದು ? ಇಲ್ಲ ಅನ್ ಸಾಂಡ್ ಎಂಬುದು ಅರ್ಥವಿಲ್ಲದ ಮಾತು. ಇದನ್ನು ತೆಗೆದುಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

Sri RAMAKRISHNA HEGDE.—I am not accepting the amendment.

Mr. SPEAKER.—I will put the amendment of Sri Kashimath to the vote of the House. The question is :

“That in clause 5, the proviso to the proposed section 4 of the principal Act be deleted.”

*The amendment was negatived.*

Mr. SPEAKER.—Clause 5. The question is :

“That clause 5 stand part of the Bill.”

*The motion was adopted.*

Clause 5 was added to the Bill.

#### CLAUSE 6.

Sri SIDDIAH KASHIMATH.—I move :

“That in clause 6, in sub-section (2), line 2, for the words ‘within a period of six months’ the words ‘within a period of three months’ be substituted.”

Mr. SPEAKER.—Amendment moved :

“That in clause 6, in sub-section (2), line 2, for the words ‘within a period of six months’ the words ‘within a period of three months’ be substituted.”

ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶೀಮಠ್.—ಇದರಲ್ಲಿ ಒಂದು ಸೊಸೈಟಿಯನ್ನು ರಿಜಿಸ್ಟ್ರಿ ಮಾಡಲು ಆರು ತಿಂಗಳ ಕಾಲವಾದರೂ ಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಇದರಿಂದ ತುಂಬ ಅನ್ಯಾಯವಾಗುತ್ತದೆ. ಅದು ದರಿಂದ ನಾನು ಇಲ್ಲಿ ಆರು ತಿಂಗಳೆಂಬ ಕಡೆ ಅದನ್ನು ಬದಲಾಯಿಸಿ ಮೂರು ತಿಂಗಳು ಎಂದು ಮಾಡಬೇಕೆಂದು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದೇನೆ. ಇದನ್ನು ಸರಕಾರದವರು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತಾರೆಯೆಂದು ನಂಬಿದ್ದೇನೆ.

SRI RAMAKRISHNA HEGDE.—I am not accepting the amendment for the reasons I have already stated.

MR. SPEAKER.—The question is :

“That in clause 6, in sub-section (2), line 2, for the words ‘within a period of six months’ the words ‘within a period of three months’ be substituted.”

*The amendment was negatived.*

MR. SPEAKER.—The question is :

“That clause 6 stand part of the Bill.”

*The motion was adopted.*

Clause 6 was added to the Bill.

#### CLAUSE 7.

SRI SIDDALAH KASHIMATH.—Sir, I move :

“That in clause 7, in the proposed sub-section (4) for the words ‘within three months from the date’ the words ‘within thirty days from the date’ be substituted.”

MR. SPEAKER.—Amendment moved :

“That in clause 6, in the proposed sub-section (4) for the words ‘within three months from the date’ the words ‘within thirty days from the date’ be substituted.”

MR. SPEAKER.—Another amendment by Sri G. A. Thimmappa Gowda.

SRI G. A. THIMMAPPA GOWDA.—Sir, I move :

“That in clause 7, in the proposed sub-section (4) in line 6, the words ‘of refusal’ be deleted.”

MR. SPEAKER.—Amendment moved :

“That in clause 7, in the proposed sub-section (4) in line 6, the words ‘of refusal’ be deleted.”

ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶೀಮಠ್.—ಒಂದು ಸೊಸೈಟಿಗೆ ಒಬ್ಬ ಮೆಂಬರಾಗಲು ಅರ್ಹನಾಗಿದ್ದಾ ನೆಂಬುದನ್ನು ತೀರ್ಮಾನಮಾಡುವುದಕ್ಕೆ ಮೂರುತಿಂಗಳಕಾಲ ಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ನಾನು ಈ ಅವಧಿಯನ್ನು ಒಂದು ತಿಂಗಳಿಗೆ ತಗ್ಗಿಸಬೇಕೆಂದು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದೇನೆ. ಮಿಷಂಗೆ ಮಾಡುವುದಕ್ಕೆ ಇಷ್ಟು ಅವಧಿ ಸಾಕು. ಇದನ್ನು ಸರ್ಕಾರದವರು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನಕಾರದವರು ತಮಗೆ ಬೇಕಾಗಿದ್ದಲ್ಲಿ ಒಪ್ಪರನ್ನೆಚ್ಚೆ ಮೆಂಬರುಗಳನ್ನು ಮಾಡುತ್ತಾರೆ. ಬೇಡವಾದವರು ಹಿಗ್ಗಿ ಮಾಸುತ್ತಾರೆ. ಈಗ ಸೆಂಟ್ರಲ್ ಕಾಟನ್ ಕಮಿಟಿ ಮೆಂಬರುಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ಅವರ ಕಡೆಮವರನ್ನು ಈಗ ತುಂಬುತ್ತಿದ್ದಾರೆ. ಇನ್ನು ನಮ್ಮಂಥವರು ಅರ್ಜಿಹಾಕಿದ್ದರೆ ಅದನ್ನು ಎನ್‌ಕ್ವೆರಿಗೆಂದು ಇಟ್ಟುಕೊಳ್ಳುತ್ತಾರೆ. ಇಷ್ಟನ್ನು ತೀರ್ಮಾನ ಮಾಡುವುದಕ್ಕೆ 3 ತಿಂಗಳ ಕಾಲವೇತಕ್ಕೇಬೇಕು? ಇದರಲ್ಲಿ ಕೆಲ ತಾವು ವ್ಯಥಾ ರಾಜಕೀಯವನ್ನು ತರುತ್ತಿದ್ದೀರಿ? ಎಲ್ಲಾ ಅಧ್ಯಾನವಾಗುತ್ತಿದೆ. ಮೂರುತಿಗಳೆಂದರೆ ತುಂಬಾ ಜಾಸ್ತಿಯಾಯಿತು. ಇದನ್ನು 30 ದಿನಕ್ಕೆ ಇಳಿಸುವುದು ಸೂಕ್ತವಾಗಿದೆಯೆಂದು ನಾನು ಇದನ್ನು ಪುಷ್ಟೀಕರಿಸುತ್ತೇನೆ.

Sri RAMAKRISHNA HEGDE.—I am not accepting the amendment proposed by Sri Siddaiah Kashimath. I am accepting the amendment of Sri Thimmappa Gowda. It is more specific; it is just clarifying the thing.

ಶ್ರೀ ಎಚ್. ಆರ್. ಕೇಶವ ಮೂರ್ತಿ.—ಸೊಸೈಟಿಯ ವ್ಯವಹಾರವನ್ನು ನಾವು ಇಷ್ಟು ದೊಡ್ಡ ಅಸಂಬಂಧಗಳಿಗೆ ಈ ರೀತಿಯಾಗಿ ಮಾಡುತ್ತಿದ್ದೇವೆ. ನಾವು ಪತ್ರಿಕೆಗಳನ್ನು ಹಾಕಿದರೆ ಸಾಮಾನ್ಯವಾಗಿ ನಕಾರದವರು ಹದಿನೈದು ದಿವಸಗಳೊಳಗೆ ಅವುಗಳಿಗೆ ಉತ್ತರವನ್ನು ಕಳುಹಿಸಬೇಕೆಂದು ಇದೆ. ಒಬ್ಬ ನದನ್ಯ ಅರ್ಜಿಹಾಕಿದರೆ ನವನತ್ವದ ಮಂಜೂರಾತಿಗೆ ಮೂರು ತಿಂಗಳು ಅಂದರೆ ನನಗೆ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. 30 ದಿವಸಗಳು ಎಂಬುದಾಗಿ ಅದರಲ್ಲಿ ತಿದ್ದುಪಡಿಮಾಡಬೇಕೆಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ.

Sri G. V. GOWDA (Palya).—The operative portion of this sub-clause is unrealistic. It is inconsistent with the principles of natural justice because after three months if there is no reply, the presumption would be that it would be deemed to have been refused. We have seen in the several enactments that when a particular thing is not done, it is deemed to be done. But this sub-clause is contrary to the established principles of law.

Sri RAMAKRISHNA HEGDE.—If a member is not admitted, he shall not be deemed to have been admitted. The presumption is that the concerned society has refused admission. Sometimes societies do not take decisions not only for months but years together. Now there is one danger if we accept the amendment. We shall not be giving sufficient time to the co-operative institutions to scrutinise applications. The applicant might be an ex-convict or an insolvent or a defaulter. We must, in all fairness, give sufficient time to the society. The period given in the bill is only the maximum time and it does not mean that the society should not dispose of an application before.

Mr. SPEAKER.—The question is :

‘That in the proposed sub-clause 4, in line 6, the words “of refusal” shall be deleted.’

*The amendment was adopted.*

Mr. SPEAKER.—The question is :

“That in the purposed sub-section (4) for the words “within three months from the date” the words “within thirty days from the date” shall be substituted.”

*The amendment was negatived.*

**Mr. SPEAKER.**—The question is :

“That clause 7, as amended, stand part of the Bill.”

*The motion was adopted.*

Clause 7 was added to the Bill.

#### CLAUSE 8

**Mr. SPEAKER.**—The question is :

“That clause 8 stand part of the Bill.”

*The motion was adopted.*

Clause 8 was added to the Bill.

#### CLAUSE 9

**Sri SIDDIAIAH KASHIMATH.**—I beg to move :

“That in clause [(a), the words “or a member who is a defaulter” shall be deleted.”

**Mr. SPEAKER.**—Amendment moved :

“That in clause (a), the words ‘or a member who is a defaulter’ shall be substituted.”

**Sri H. R. KESHAHA MURTHY.**—I beg to move :

“That in the proposed explanation (2) for the words ‘at least one month’ the words ‘before the acceptance of candidature’ shall be substituted.”

**Mr. SPEAKER.**—Amendment moved :

“That in the proposed explanation (2) for the words ‘at least one month’ the words “before the acceptance of candidature” shall be substituted.”

ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶಿಮಠ್.—ಪರಸ್ಪರ ಸಹಕಾರ ಸಂಘಗಳಲ್ಲಿ ಸದಸ್ಯನಾಗಿರಬೇಕಾದರೆ ಒಂದು ವೇರಾದರೂ ಪಡೆದವನಾಗಿರಬೇಕು ಎಂಬುದಾಗಿ ಒಂದು ಅರ್ಹತೆಯ ನಿಯಮವನ್ನು ಇಟ್ಟಿದ್ದಾರೆ. ಅಂತಹ ಸದಸ್ಯ ಒಂದುವೇಳೆ ಡಿಫಾಲ್ಟರ್ ಆದಾಕ್ಷಣಕ್ಕೆ ಅವನು ಹಕ್ಕುಬಾಧ್ಯತೆಗಳನ್ನು ಕಳೆದುಕೊಳ್ಳುತ್ತಾನೆ ಎಂದು ಹೇಳುವುದು ಸರಿಯಲ್ಲ. ಆದ್ದರಿಂದ ಕ್ಲಾಜು 9 (ಎ) ನಲ್ಲಿ ಹೇಳಿರುವ ‘or a member who is a defaulter’ ಎಂಬುದನ್ನು ಇದರಿಂದ ತೆಗೆದುಹಾಕಬೇಕು.

ಶ್ರೀ ಎಚ್. ಆರ್. ಕೇಶವ ಮೂರ್ತಿ.—ಕೆಲವು ಸೊಸೈಟಿಗಳು ಅವರು ಹಕ್ಕುಗಳಲ್ಲಿ ಕೊಡುವಾಗ ಅವರೇ ನಿರ್ಣಯಗಳನ್ನು ಪಾಸ್ ಮಾಡಿಕೊಳ್ಳುತ್ತಾರೆ. ಆದರೆ ಒಂದು ತಿಂಗಳೊಳಗೆ ಅವನು ಕೊಡಬೇಕಾದ ಬಾಕಿಯ ಬಗ್ಗೆ ವ್ಯವಹಾರ ನಡೆದು ಕೊಡದೇ ಇದ್ದರೆ ಅವನನ್ನು ಡಿಫಾಲ್ಟರ್ ಎಂದು ತೀರ್ಮಾನ ಮಾಡುತ್ತಾರೆ. ಇದರಿಂದ ಅವನ ಹಕ್ಕಿಗೆ ಧಕ್ಕೆ ಬರುತ್ತದೆ. ಒಂದು ವೇಳೆ ಆ ಅವಧಿಯ ಮೊದಲೇ ಅವನು ತನ್ನ ಬಾಕಿಯನ್ನು ಕ್ಲಿಯರ್ ಮಾಡಿದರೆ ಆಗ ಅವನಿಗೆ ಚುನಾವಣೆ ನಿಲ್ಲುವುದಕ್ಕೂ ಮತ್ತು ಒಟ್ಟುಕೊಡುವುದಕ್ಕೂ ಹಕ್ಕು ಇರಬೇಕೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

**Sri RAMAKRISHNA HEGDE.**—I regret I am unable to accept the amendments to clause 9.

Mr. SPEAKER.—The question is :

“ That in clause (a) the words ‘ or a member who is a defaulter ’ shall be deleted..”

*The amendment was negatived.*

Mr. SPEAKER.—The question is :

“ That in the proposed explanation (2) for the words “ at least one month ” the words “ before the acceptance of candidature ” shall be substituted.’

*The amendment was negatived.*

Mr. SPEAKER.—The question is :

“ That clause 9 stand part of the Bill.”

*The motion was adopted.*

Clause 9 was added to the Bill.

#### CLAUSE 10

Sri R. S. HEGDE.—I beg to move :

“ That in sub-clause (2) the proposed new sub-section (5) shall be omitted.”

Mr. SPEAKER.—Amendment moved :

“ That in sub-clause (2) the proposed new sub-section (5) shall be omitted.”

Sri RAMAKRISHNA HEGDE.—I accept the amendment.

Sri H. R. KESHAHA MURTHY.—I oppose the amendment. The nominated member naturally follows the instructions of Government. There is no harm if the clause remains as it is.

Mr. SPEAKER.—I will put it to vote. The question is :

“ That in sub-clause (2) the proposed new sub-section (5) shall be omitted.”

*The amendment was adopted.*

Mr. SPEAKER.—The question is :

“ That clause 10, as amended, stand part of the Bill.”

*The motion was adopted.*

Clause 10 was added to the bill.

### CLAUSE 11.

Sri R. S. HEGDE.—I beg to move :

“That in sub-clause (3), in clause (a) of the new sub-section (4)—

(i) after the words ‘Every co-operative society’, the brackets and words ‘(other than a co-operative society whose net profits do not exceeds five hundred rupees)’ shall be inserted.

(ii) for the word ‘not less than three per cent’ the words ‘of two per cent or more’ shall be substituted; and

(iii) after the words ‘at such rate’ the words ‘not exceeding one and half per cent of the net profits’ shall be inserted.”

Mr. SPEAKER.—Amendments moved :

“That in sub-clause (3), in clause (a) of the new sub-section (4)—

(i) after the words ‘Every co-operative society’, the brackets and words ‘(other than a co-operative society whose net profits do not exceed five hundred rupees)’ shall be inserted.

(ii) for the words ‘not less than three per cent’ the words ‘of two per cent or more’ shall be substituted; and

(iii) after the words ‘at such rate’ the words ‘not exceeding one and half per cent of the net profits’ shall be inserted.”

Sri RAMAKRISHNA HEGDE.—I accept the amendment.

Sri G. V. GOWDA.—In the original section 57 (3) there were sub-clauses a to f. Now a and b are sought to be deleted. I want to know what would happen to the sub-clauses c to f.

So far as this amendment now moved is concerned, it involves a procedure not easily amendable to co-operative societies and hence I oppose it. The provision in the clause as such may be retained.

2-30 P.M.

† ಶ್ರೀ ಎಚ್. ಆರ್. ಕೇಶವ ಮೂರ್ತಿ.—ಸ್ವಾಮಿ, ಈ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಸೊಸೈಟಿಗಳ ನೆಟ್ ಪ್ರಾಫಿಟ್ 500 ರೂಪಾಯಿಗಳಿಗಿಂತ ಹೆಚ್ಚಾಗಿರಕೂಡದು ಎಂದು ಇದೆ. ಇದರಿಂದ ಸೊಸೈಟಿಗಳಿಗೆ ಧಕ್ಕೆ ಬರತಕ್ಕ ಸಂದರ್ಭ ಬರುತ್ತದೆ. ಸೊಸೈಟಿಯ ಸೆಕ್ರೆಟರಿಯವರು ಮತ್ತು ಪ್ರೆಸಿಡೆಂಡರು ಸೇರಿ ಕೊಂಡು ಬೇರೆ ಬೇರೆ ಐಟಮ್‌ಗಳಿಗೆ ಐಡ್‌ಗಳನ್ನು ತೋರಿಸಿ ನೆಟ್ ಪ್ರಾಫಿಟ್‌ನ್ನು 500 ರೂಪಾಯಿಗಳಿಗೆ ರೆಡ್ಯೂಸ್ ಮಾಡಿಕೊಳ್ಳುತ್ತಾರೆ. ಇದರಿಂದ ಸೊಸೈಟಿಗಳಿಗೆ ತೊಂದರೆ ಬರುತ್ತದೆ. ಅಮೆಲೆ ಯಾವ ಸೊಸೈಟಿಯನ್ನು ತೆಗೆದುಕೊಂಡು ನೋಡಿದರೂ ಕೂಡ 500 ರೂಪಾಯಿಗಳು ರಾಫ್ ಬರುವಂತೆ ಏರ್ಪಾಡು ಮಾಡಿಕೊಳ್ಳುತ್ತಾರೆ. ಸೊಸೈಟಿಗಳಲ್ಲಿ ಹಣವನ್ನು ದುರ್ವಿನಿಯೋಗ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಸೊಸೈಟಿಗಳ ನೆಟ್ ಪ್ರಾಫಿಟ್ 500 ರೂಪಾಯಿಗಳಿಗಿಂತ ಹೆಚ್ಚಾಗಿರಕೂಡದು ಎಂಬುದನ್ನು ತೆಗೆದುಹಾಕಬೇಕೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

Mr. SPEAKER.—The question is :

“That in sub-clause (3), in clause (a) of the new sub-section (4)—

(i) after the words ‘Every co-operative society’, the brackets and words ‘(other than a co-operative society whose net profits do not exceed five hundred rupees)’ shall be inserted.

(ii) for the words 'not less than three per cent' the words 'of two per cent or more' shall be substituted; and

(iii) after the words 'at such rate' the words 'not exceeding one and a half per cent of the net profits' shall be inserted."

*The amendment was adopted.*

Mr. SPEAKER.—The question is:

"That clause 11, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 11, as amended, was added to the Bill.

Mr. SPEAKER.—The question is:

"That clauses 12 and 13 stand part of the Bill."

*The motion was adopted.*

Clauses 12 and 13 were added to the Bill."

#### CLAUSE 14

Sri R. S. HEGDE.—I beg to move:

'That in the new section 76-A, the word "or" at the end of item (iii) shall be omitted, and the word "or" shall be inserted at the end of item (iv), and after item (iv) as amended, the following item shall be inserted, namely:—

"(v) the liquidation of debts due to the Government or to a co-operative society to any person which have been secured by the mortgage of the land."

Mr. SPEAKER.—Amendment moved:

"That in the new section 76-A, the word "or" at the end of item (iii) shall be omitted, and the word "or" shall be inserted at the end of the item (iv), and after item (iv) as amended, the following item shall be inserted, namely:—

"(v) the liquidation of debts due to the Government or to a co-operative society to any person which have been secured by the mortgage of the land."

Sri SIDDIAIAH KASHIMATH.—I beg to move:

'That in sub-clause (1) of the proposed section 76B for the words "There shall be a State Land.....Development Bank" the words "There shall be a State Land Development Bank for the State of Mysore, District Land Development Bank for each District and as many primary Land Development Banks" shall be substituted.'



Mr. SPEAKER.—Amendment moved :

‘That in sub-clause (1) of the proposed section 76B for the words “There shall be a State Land.....Development Bank” the words “There shall be a State Land Development Bank for the State of Mysore, District Land Development Bank for each District and as many primary Land Development Banks” shall be substituted.’

Sri RAMAKRISHNA HEGDE.—Sir, I accept the amendment of Sri Hegde and I do not accept the other amendment.

Sri SIDDIAIAH KASHIMATH.—In order to make the administration easy, each District should have District Land Development Bank.

Sri G. V. GOWDA.—In the amendment of Sri Hegde the word “agriculturist” has to be added. Otherwise all sorts of people who are indebted to co-operative societies would come forward making applications for loans from Development Banks.

Mr. SPEAKER.—I will first put the amendment of Sri R. S. Hegde. The question is :

‘That in the new section 76A, the word “or” at the end of item (iii) shall be omitted, and the word “or” shall be inserted at the end of item (iv), and after item (iv) as amended, the following item shall be inserted, namely :

“(v) the liquidation of debts due to the Government or to a Co-operative Society to any person which have been secured by the mortgage of the land.”’

*The amendment was adopted.*

Mr. SPEAKER.—The question is :

‘That in sub-clause (1) of the proposed section 76-B for the words “There shall be a State Land.....Development Banks” the words “There shall be a State Land Development Bank for the State of Mysore District Land Development Bank for each District and as many primary Land Developmen Banks” shall be substituted.’

*The amendment was negatived.*

Mr. SPEAKER.—The question is :

“That clause 14, as amended, stand part of the Bill.”

*The motion was adopted.*

Clause 14, as amended, was added to the Bill.

#### CLAUSE 15.

Mr. SPEAKER.—The question is :

“That clause 15 stand part of the Bill.”

*The motion was adopted.*

Clause 15 was added to the Bil .

## CLAUSE 16.

Sri H. R. KESHAHA MURTHY.—I move :

‘That in sub-clause (1) of the proposed section 82-B in line 5, the words “in person” shall be deleted.’

Mr. SPEAKER.—Amendment moved :

‘That in sub-clause (1) of the proposed section 82-B in line 5, the words “in person” shall be deleted.’

ಶ್ರೀ ಎಚ್. ಆರ್. ಕೇಶವಮೂರ್ತಿ.—ಈ 16ನೇ ಕ್ಲಾಜಿನಲ್ಲಿ ಒಬ್ಬ ಮನುಷ್ಯ ಸಾಲಕ್ಕಾಗಿ ಹಾಕಿ ಇಂಡಿರತಕ್ಕ ಅಪ್ಪಿಕೇಷನ್ ಬಗ್ಗೆ ಹೇಳಿಕೆಯನ್ನು ಕೊಡುವುದಕ್ಕೋಸ್ಕರ “in person” ಬಂದು ಹೇಳಿಕೆಯನ್ನು ಕೊಡಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಸಾಮಾನ್ಯವಾಗಿ ಎಷ್ಟೋ ಜನ 90-95-100 ವರ್ಷ ವಯಸ್ಸಾದವರೂ ಇರುತ್ತಾರೆ. ಅಂಥವರು ಪರ್ಸನರ್ ಆಗಿ ಬರುವುದಕ್ಕೆ ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ಮತ್ತೆ ಕೆಲವರು ಖಾಯಿಲೆ ಆಗಿ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಮಲಗಿರುತ್ತಾರೆ. ಅಂಥವರೂ ಪರ್ಸನರ್ ಆಗಿ ಬರುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. ಆದ್ದರಿಂದ ಇದನ್ನು ದಮಿಖ್ವಾ ರೀ-ಕನ್ಸಿಡರ್ ಮಾಡಬೇಕು. “in person” ಎನ್ನುವುದನ್ನು ಡಿಲೀಟ್ ಮಾಡಬೇಕೆಂದು ನಾನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

Sri RAMAKRISHNA HEGDE.—I cannot accept the amendment.

Mr. SPEAKER.—The question is :

‘That in sub-clause (1) of the proposed section 82-B in line 5, the words “in person” shall be deleted.’

*The amendment was negatived.*

Mr. SPEAKER.—The question is :

‘That clause 16 stand part of the Bill.’

*The motion was adopted.*

Clause 16 was added to the Bill.

## CLAUSES 17 TO 22.

Mr. SPEAKER.—The question is :

‘That clauses 17 to 22, both inclusive, stand part of the Bill.’

*The motion was adopted.*

Clauses 17 to 22, both inclusive, were added to the Bill.

## CLAUSE 23.

Sri R. S. HEGDE.—I beg to move :

‘That in the new Section 101-B :—

(i) in sub-section (1) the words ‘on the application of the co-operative society’ shall be omitted ;

(SRI R. S. HEGDE)

(ii) for sub-section (3) and (4) the following sub-section shall be substituted, namely :—

“(3) subject to such rules as may be made in this behalf, and to any rights, encumbrances, charges or equities lawfully subsisting in favour of any person, such property or portion thereof shall be held under sub-section (1) by the said society on such terms and conditions as may be agreed upon between the Court, the Deputy Commissioner or the Registrar, as the case may be, and the said society”; and

(iii) sub-section (5) shall be re-numbered as sub-section (4).”

**Mr. SPEAKER.**—Amendment moved :

“That in the new Section 101B :—

(i) in sub-section (1) the words ‘on the application of the Co-operative Society’ shall be omitted ;

(ii) for sub-section (3) and (4) the following sub-section shall be substituted, namely :—

“(3) Subject to such rules as may be made in this behalf, and to any rights, encumbrances, charges or equities lawfully subsisting in favour of any person, such property or portion thereof shall be held under sub-section (1) by the said society on such terms and conditions as may be agreed upon between the Court, the Deputy Commissioner or the Registrar, as the case may be, and the said society”; and

(iii) sub-section (5) shall be re-numbered as sub-section (4).”

† **Sri G. V. GOWDA.**—If the words ‘on the application of the Co-operative Society’ were to be omitted, then there is nobody to ask what is to be done with respect to the property which has not been sold. It is at the instance of the Co-operative Society that the property has been brought for sale. If the property cannot be sold for want of buyer, how is the money due to the Co-operative Society recovered? All the proceedings have been taken. What more steps could be taken? So, it should be retained as it is.

**Sri R. S. HEGDE.**—‘On the application of the Co-operative Society’ should be deleted. Otherwise a lacuna will be created. Supposing a society does not apply at all, or supposing sale itself is cancelled and the presiding officer is not in a position to know what should be done with it.

**Mr. SPEAKER.**—The question is :

“That in the new Section 101B :—

(i) in sub-section (1) the words ‘on the application of the Co-operative Society’ shall be omitted ;

(ii) for sub-section (3) and (4) the following sub-section shall be substituted, namely :—

“(3) Subject to such rules as may be made in this behalf, and to any rights, encumbrances, charges or equities lawfully subsisting in favour of any person, such property or portion thereof shall be held under sub-section (1) by the said society on such terms and conditions as may be agreed upon between the Court, the Deputy Commissioner or the Registrar, as the case may be, and the said society”; and

(iii) sub-section (5) shall be re-numbered as sub-section (4).”

*The amendment was adopted.*

Mr. SPEAKER.—The question is :

“That clause 23, as amended, stand part of the Bill.”

*The motion was adopted.*

Clause 23, as amended, was added to the Bill.

#### CLAUSES 24 AND 25.

Mr. SPEAKER.—The question is :

“That clauses 24 and 25 stand part of the Bill.”

*The motion was adopted.*

Clauses 24 and 25 were added to the Bill.

#### CLAUSE 26.

Sri SIDDIAIAH KASHIMATH. —I beg to move :

“That in sub-section (2) of the proposed new Section 105-A, in line 2 for the words ‘within two months from the date of receipt’ the words ‘within sixty days’ shall be substituted ; in line 4, for the words ‘within two months from the date’ the words ‘within sixty days’ shall be substituted ;

in line 7 for the words ‘such appeal shall be accompanied by a fee of Rupees five’ the words ‘such appeal shall be accompanied by a fee of Rupees two’ shall be substituted.”

Mr. SPEAKER.—Amendment moved :

“That in sub-section (2) of the proposed new Section 105-A, in line 2 for the words ‘within two months from the date of receipt’ the words ‘within sixty days’ shall be substituted ; in line 4, for the words ‘within two months from the date’ the words ‘within sixty days’ shall be substituted ;

in line 7 for the words ‘such appeal shall be accompanied by a fee of Rupees five’ the words ‘such appeal shall be accompanied by a fee of Rupees two’ shall be substituted.”

† Sri SIDDALAH KASHIMATH.—I have specifically mentioned. I am suggesting the changing of wording to '60 days'. I suggest Rs. 2 instead of Rs. 5 in line 7, since it is a great burden to agriculturist.

Sri G. V. GOWDA.—The period of limitation is usually fixed in number of days; because two months may be 31 days and 30 days. It is usual to fix it in terms of days. When a person applies for a Credit Society, he has to pay. Again if he is asked to pay Rs. 5 by way of appeal, it is un-reasonable.

Sri RAMAKRISHNA HEGDE.—I accept the amendment regarding verbal change, namely 60 days instead of 2 months.

Mr. SPEAKER.—I will split up the amendment into two and put them to vote. The question is :

"That in sub-section (2) of the proposed new section 105-A, in line 2 for the words 'within two months from the date of receipt' the words 'within sixty days' shall be substituted; In line 4, for the words 'within two months from the date' the words 'within sixty days' shall be substituted."

*The amendment was adopted.*

Mr. SPEAKER.—The question is :

"That in sub-section (2) of the proposed new section 105-A, in line 7 for the words 'such appeal shall be accompanied by a fee of Rupees five' the words 'such appeal shall be accompanied by a 'fee of Rupees two' shall be substituted."

*The amendment was negatived.*

Mr. SPEAKER.—The question is :

"That clause 26, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 26, as amended, was added to the Bill.

#### CLAUSES 27 TO 29.

Mr. SPEAKER.—The question is :

"That clauses 27 to 29, both inclusive, stand part of the Bill."

*The motion was adopted.*

Clauses 27 to 29, both inclusive, were added to the Bill.

#### CLAUSE 30.

Mr. SPEAKER.—The Hon'ble Member who has tabled the amendment, is not here. So the amendment is not moved. The question is :

"That clause 30 stand part of the Bill."

*The motion was adopted.*

Clause 30 was added to the Bill.

Mr. SPEAKER.—There are no more amendments. The question is  
 “That clauses 31 to 33, both inclusive, stand part of the  
 Bill.”

*The motion was adopted.*

Clauses 31 to 33, both inclusive, were added to the Bill.

Mr. SPEAKER.—The question is :

“That clause 1, the Title and the Preamble stand part of the  
 Bill.”

*The motion was adopted.*

Clause 1, the Title and Preamble were added to the Bill

*Motion to pass.*

Sri RAMAKRISHNA HEGDE.—I beg to move :

“That the Mysore Co-operative Societies (Amendment) Bill,  
 1964, as amended, be passed.”

Mr. SPEAKER.—The question is :

“That the Mysore Co-operative Societies (Amendment) Bill,  
 1964, as amended, be passed.”

*The motion was adopted.*

## THE CITY OF BANGALORE MUNICIPAL CORPORATION (AMENDMENT) BILL, 1964.

*Motion to consider.*

Sri Y. RAMACHANDRA (Deputy Minister for Municipal Administration).—I beg to move :

“That the City of Bangalore Municipal Corporation (Amendment) Bill, 1964, be taken into consideration.”

Mr. SPEAKER.—Motion moved :

“That the City of Bangalore Municipal Corporation (Amendment) Bill, 1964, be taken into consideration.”

ಶ್ರೀ ಪೈ. ರಾಮಚಂದ್ರ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ನಮ್ಮ ಕಾರ್ಪೊರೇಷನ್ ಕಾನೂನು ಅದುವು ಭಾರತ ಸಂವಿಧಾನ ಜಾರಿಗೆ ಬರುವುದಕ್ಕೆ ಹಿಂದೆ. ಅದರಲ್ಲಿ ಮಹಿಳೆಯರಿಗೆ, ಕಾರ್ಮಿಕರಿಗೆ ವ್ಯಾಪಾರ ಮತ್ತು ವಾಣಿಜ್ಯ ಹಿತಗಳಿಗೆ ಮೀನರಾಗಿ ಪ್ರಾತಿನಿಧ್ಯವಿತ್ತು. ಅಲ್ಲದೆ ಆಲ್ಟರ್‌ಮೆನ್‌ಗಳನ್ನು ಅರಿವಬೇಕೆಂದಿತ್ತು. ಇದು, ಇಂದಿನ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಕಾನೂನಿನಲ್ಲಿರುವುದು ಸೂಕ್ತವಾಗಿ ಕಾಣಲಿಲ್ಲ. ಅದನ್ನು ತೆಗೆದು ಅದಕ್ಕೆ ಬದಲು ಪ್ರತಿಯೊಂದು ಡಿವಿಜನ್‌ನಲ್ಲಿಯೂ ಚುನಾವಣೆಯಾಗಿ ಬೇಕೆಂದು ತಿದ್ದುಪಡಿಯನ್ನು ಕರಾರಾಗಿದೆ.